(1)

(5)
SINGLE BENCH

CF 1501

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Writ Petition (S) No. 259 of 2007

PETITIONER:

Kum. Sadhana Kaushik,
D/o Ramratan Kaushik,
Aged about 20 years,
Occupation: Service,
Presently working as Shiksha Karmi Grade-III,
Govt. Girls Primary School,
Beltara, Block: Bilha,
District: Bilaspur,
R/o Beltara,
Tehsil & District: Bilaspur,
Chhattisgarh.

P.F. 16/2/7
Present dated 5/2/07

- Versus -

RESPONDENTS:

1. Zila Panchayat: Bilaspur,
Through its Chief
Executive Officer,
Bilaspur, Chhattisgarh.

2. Janpad Panchayat: Bilha,
District: Bilaspur,
Chhattisgarh,
Through its Chief Executive
Officer.

3. Head Master,
Govt. Girls Primary School,
Beltara, Block: Bilha,
District: Bilaspur,
Chhattisgarh.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

(34)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 259 of 2007

Petitioner — Kum. Sadhana Kaushik

Versus

Respondents — Zila Panchayat Bilaspur and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Rajeev Shrivastava, Advocate for the petitioner.

None for the respondents.

ORDER

(Passed on this 19th day of January, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. Learned counsel appearing for the petitioner submits that the petitioner was appointed on the post of Shiksha Karmi Grade-III vide order dated 13.7.2006. He joined the post on 17.7.2006 in Govt. Girls Primary School, Beltara, Block – Bilha, District Bilaspur. The petitioner was issued a show cause notice on 28.10.2006 which was received by him on 1.11.2006. The respondent No.2 has passed the impugned order dated 7.11.2006, terminating the services of the petitioner, without awaiting the reply of the petitioner. The petitioner was not given sufficient time to submit his reply.

2. The petitioner, without availing the statutory remedy available to him under Rule 3 of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995, has filed this petition directly in this Court. This petition cannot be entertained when the effective and

(35)

efficacious statutory remedy is available. It is well settled that the High Court should not exercise its discretion in favour of the petitioner when the effective, efficacious and statutory remedy is available.

3. Thus, this petition is dismissed as not maintainable. However, the petitioner is granted liberty to approach the appropriate forum as provided under the provisions of the Rules, 1995, if so advised. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

[redacted]Thakur

[redacted]